

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

D. JOSEPH KURTZ, Individually and on
Behalf of All Others Similarly Situated,

Plaintiff,

vs.

KIMBERLY-CLARK CORPORATION, et al.,

Defendants.

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Civil Action No. 1:14-cv-01142-PKC-RML

CLASS ACTION

**PLAINTIFF'S MOTION FOR PRELIMINARY
APPROVAL OF CLASS ACTION SETTLEMENT**

Representative plaintiff Dr. D. Joseph Kurtz (“Dr. Kurtz” or “Plaintiff”), respectfully moves this Court, at the United States Courthouse, 225 Cadman Plaza East, Brooklyn, New York 11201, at a date and time to be determined by the Court, for an Order:

1. Granting preliminary approval of the Settlement;
2. Certifying a Rule 23(b)(3) class for settlement purposes;
3. Appointing Plaintiff as Class Representative;
4. Appointing Robbins Geller Rudman & Dowd LLP as Settlement Class Counsel;
5. Approving the Settling Parties’ proposed form and method of providing notice of the pendency of the Settlement to the Settlement Class under Rule 23(e)(2); and
6. Scheduling a Settlement Hearing for Final Approval of: (a) the Settlement set forth in the Settlement Agreement and General Release; and (b) Settlement Class Counsel’s application for an award of attorneys’ fees and expenses incurred in representing the Settlement Class.

In support of this Motion, Plaintiff incorporates by reference its Memorandum, Declaration of Vincent M. Serra and supporting exhibit, which are filed simultaneously herewith.

DATED: April 27, 2023

ROBBINS GELLER RUDMAN
& DOWD LLP
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VINCENT M. SERRA
FRANCIS P. KARAM
WILLIAM A. MASSA

/s/ Vincent M. Serra
VINCENT M. SERRA

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